PATENT COOPERATION TREATY

INTERNATIONAL PRELIMINARY EXAMINING AUTHORIT	ſΥ	
To: LEE, Won-Hee	PCT No. No.	
8th Fl. Sung-ji Heights II 642-16 Yoksam-dong Kangnam-ku Seoul 135-080 Republic of Korea	WRITTEN OPINION OF THE COURSE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY (PCT Rule 66)	
	Date of mailing (day/month/year) 11 JANUARY 2006 (11.01.2006)	
Applicant's or agent's file reference 4FPO-11-16	REPLY DUE within 2 months from the above date of mailing	
International application No. International filing date PCT/KR2005/000214 26 JANUARY 200	· · · · · · · · · · · · · · · · · · ·	
International Patent Classification (IPC) or both national classifica C12N 15/00(2006.01)i Applicant	ttion and IPC	
MOGAM BIOTECHNOLOGY RESEARCH INST	CITUTE et al	
Box No. II Basis of the opinion Box No. II Priority Box No. III Non-establishment of opinion with regard to a Box No. IV Lack of unity of invention Box No. V Reasoned statement under Rule 66.2(a)(ii) wincitations and explanations supporting such state Box No. VI Certain documents cited Box No. VII Certain defects in the international application Box No. VIII Certain observations on the international application	novelty, inventive step and industrial applicability ith regard to novelty, inventive step or industrial applicability; attement	
to grant an extension, see Rule 66.2(e).	nts and/or arguments, seeRule 66.4bis. see Rule 66.6. s, see Rule 66.4. report will be established on the basis of this opinion. patentability	
	Authorize officer KIM, Ji Yun	

Form PCT/IP. 498 (cover sheet) (April 2005)



WRITTEN OPINION OF THE INTERNATIONAL PRELIMINARY EXAMING AUTHORITY

International application No.

PCT/KR2005/000214

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which was filed, unless otherwise indicated under this item. This opinion is based on a translation from the original language into the following language which is the language of a translation from the original language into the following language which is the language of a translation from the original language into the following language which is the language of a translation funder Rule 12.4) international arred (under Rule 12.3 and 23.1(6)) publication of the international application (under Rule 12.4) international preliminary examination (under Rule 12.4) international preliminary examination (under Rule 12.4) the international preliminary examination (under Rule 12.4) the international application as originally filed in the description: the description: pages	Box No. I Basis of the opinion
which is the language of a translation furnished for the purposes of: international search (under Rules 12.3 and 23.1(b)) publication of the international application (under Rules 55.2 and/or 55.3) 2. With regard to the elements of the international application, this opinion has been established on the basis of (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as 'originally filed.'): the international application as originally filed the description: pages	which was filed, unless otherwise indicated under this item.
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WRITTEN OPINION OF THE INTERNATIONAL PRELIMINARY EXAMING AUTHORITY

International application No.

PCT/KR2005/000214

Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Claims	1 - 18	YES
Claims	None	NO
Claims	None	YES
Claims	1 - 18	NO
(IA) Claims	1 - 18	YES
Claims	None	NO
	Claims Claims Claims Claims	Claims None

2. Citations and explanations:

인용문헌:

D1: WO 2001/019868 A1 (Mogan Biotechnology Research Institute) 22 March 2001

D2: Appl. Microbiol. Biotechnol., vol.48, pp. 339-345(1997)

D3: J. Biotechnol., vol. 85, pp. 41-48(2001)

D4: Appl. Microbiol. Biotechnol., vol. 61, pp. 69-76(2003)

본원은 angiogenesis 저해 단백질인 LK8의 발현 벡터에 관한 발명으로써, GAL1 프로모터, 알파-팩터 분비 서열, LK8 cDNA, CYC1 터미네이터, 숙주의 염색체에 삽입되기 위한 델타 서열 및 선별을위한 네오바이신 저항성 유전자로 구성된 것을 특징으로 하고 있습니다. 또한 상기 발현 벡터로 형질전환되어 LK8 단백질을 고발현하는 효모주 Saccharomyces cerevisiae를 제조하는 방법 및 LK8단백질을 대량 생산하는 방법을 개시하고 있습니다.

한편, 인용문헌 D1에는 인간 아포리포프로테인의 크링클 도메인인 V38의 서브유닛인 신규한 angiogenesis 저해 단백질인 LK8의 아미노산 서열, cDNA 서열, cDNA를 포함하여 단백질을 발현하는 벡터 및 발현벡터로 형질전환된 미생물과 단백질을 생산하는 방법이 기재되어 있습니다.

D2는 유도성(inducible) 발현 벡터와 네오마이신 저항성 유전자를 Saccharomyces cerevisiae 효모 주의 게놈에 homologous recombination을 통하여 삽입할 수 있는 델타-인테그레이션 벡터 및 G418(네오마이신)에 대한 저항성 스크리닝을 통하여 벡터가 삽입된 형질전환 세포를 선별하는 방 법에 관하여 개시하고 있습니다.

D3는 델타-인테그레이션 벡터로 형질전환된 Saccharomyces cerevisiae 시스템에서 히루딘을 과 발현하는 방법 및 G418(네오마이신)에 대한 저항성 스크리닝을 통하여 여러 카피의 벡터가 삽입된 형질전환 세포를 선별하는 방법에 관하여 개시하고 있습니다.

D4는 갈락토오스 프로모터를 이용하여 큐티네이즈를 생산하는 재조합 Saccharomyces cerevisiae 효모주 및 큐티네이즈의 저비용, 대량 생산을 위한 발효 방법에 관하여 개시하고 있습니다.

본원 특허청구범위 제1항 및 제2항은 GAL1 프로모터, 알파-팩터 분비 서열, LK8 cDNA, CYC1 터 미네이터, 숙주의 염색체에 삽입되기 위한 델타 서열 및 선택을 위한 네오마이신 저항성 유전자로 구성된 것을 특징으로 하는 LK8의 발현 벡터에 관한 발명으로써 인용문헌 D1에 기재된 발명과 대비하여 보면 LK8 cDNA를 포함하는 발현 벡터라는 점에 있어서 그 구성이 동일하고 다만 분원은 효모의 염색체(게놈)에 삽입되기 위한 벡터라는 점에 차이가 있으나, 그러한 구성은 인용문헌 D2 및 D3에 개시되어 있는바, 발현을 위한 벡터를 제조하기 위하여 그 서열이 공지된 LK8 단백질을 치환하여 벡터를 구성하는 것은 당업자라면 응이하게 발명할 수 있는 것으로 인정됩니다. 제3항 내지 제5항은 제1항의 벡터로 형질전환된 Saccharomyces cerevisiae 세포주에 관한 것이나, 인용문헌 D2 및 D3에도 단백질의 대량생산을 위하여 델타 서열 및 네오마이신을 포함한 벡터로 형질전환된 Saccharomyces cerevisiae이 개시되어 있는바, 그 구성이나 효과가 인용문헌 D1, D2 및 D3로부터 응이하게 도출될 수 있는 것으로 인정됩니다.

WRITTEN OPINION OF THE INTERNATIONAL PRELIMINARY EXAMING AUTHORITY

International application No.

PCT/KR2005/000214

Supplemental Box

In case the space in any of the preceding boxes is not sufficient. Continuation of:

Box NO. V

제6항 내지 제10항은 LK8 단백질을 고발현 하는 형질전환체를 제조하는 방법에 관한 것으로, 제1항의 재조합 벡터로 숙주 세포를 형질전환하는 단계; G418을 처리하여 형질전환체를 배양하는 단계; 면역시험법으로 고발현 형질전환체를 선별하는 단계를 포함하는 것을 특징으로 하고 있으나, 제1항 내지 제5항의 벡터 및 형질전환체에 진보성이 없고, 인용문헌 D2 및 D3에 델타 서열이 포함된 단백질 발현 카세트로 숙주세포를 형질전환하고 G418을 처리하여 고발현 형질전환체를 선별하는 방법이 개시되어 있는바, 상기항들은 당업자가 용이하게 구성할 수 있는 발명으로 인정됩니다.

제11항 내지 제18항은 LK8 단백질을 대량생산 하는 방법에 관한 것으로써 제1항의 벡터로 형질전환된 세포주를 시드배양, 배치 배양 및 페드-배치 배양을 하여 단백질을 정제하는 단계를 포함하고 있으나, 인용문헌 D4에 목적 단백질의 비용효율적이고 대량 생산을 위한 발효 방법을 개시하고 있으며, 배양 조건이나 정제 조건을 최적화하는 것은 당업자가 시험에 의해 도출할 수 있는 정도의 기술로써 인용문헌 및 관용기술로부터 용이하게 발명할 수 있는 것으로 인정됩니다.

따라서 제1항 내지 제18항은 PCT 조약 33(3)에 따른 진보성이 없는 것으로 인정됩니다.